

# **EXHIBIT 3**

## Kaplan, Steven

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**From:** families@batteryparkcity.com  
**Sent:** Monday, June 12, 2023 5:05 PM  
**To:** rick.marquis@dot.gov; garcia.lisa@epa.gov; stephen.goodman@dot.gov; allison.cdecerreno@mtahq.org; nick.choubah@dot.ny.gov; wcarry@dot.nyc.gov  
**Cc:** Elizabeth.chan@gmail.com; hkmann@gmail.com; residentsbpc@gmail.com  
**Subject:** RE: New York City Central Business District Tolling Program – Environmental Assessment  
**Attachments:** Summary of Comments on CBD Tolling Final EA\_Chapters\_Combined - COMMENTS\_FOR\_PRINT.pdf; Congestion Pricing School Letter.docx.pdf; NYC STEM CLUB Congestion pricing.pdf; PS89 CBDTP Letter - Federal.pdf; TheLearningExperience.pdf; Battery Park City Congestion Pricing Questionnaire (Responses).xlsx

**Importance:** High

DELIVERY BY EMAIL (rick.marquis@dot.gov; garcia.lisa@epa.gov; stephen.goodman@dot.gov; allison.cdecerreno@mtahq.org; nick.choubah@dot.ny.gov; wcarry@dot.nyc.gov) AND CERTIFIED MAIL

Richard J Marquis  
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290 Broadway  
New York, Ny 10007-1886

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New York, Ny 10004

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New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12238

William J. Carry

Assistant Commissioner for Policy  
New York City Department of Transportation  
55 Water Street  
New York, NY 10041

RE: New York City Central Business District Tolling Program –  
Environmental Assessment

Dear Mr. Marquis, Ms. Garcia, Mr. Goodman, Dr. Allison L.C. de Cerreno, Mr. Choubah, and Mr. Carry,

On May 5, 2023, the US Department of Transportation published a Final Environmental Assessment (EA) for the Central Business District Tolling Program (CBDTP) that initiated the start of the National Environmental Policy Act (NEPA) 45 day public review process as a condition to apply the FHWA Value Pricing Pilot program (VPPP). I represent a coalition of neighbors in Battery Park City that have reviewed this public document and are concerned about its conclusion of “Finding of No Significant Impact” (FONSI). We are requesting that an Environmental Impact Statement be completed to address our concerns.

As members of the public, the process in which to make comments on the CBDTP program has been highly confusing and no guidance was offered nor available from our local officials. When seeking guidance, we were given incorrect advice on the ability to make a public comment in respect of the April 2023 FONSI. (See CB1 BPC Meeting). We were erroneously told that we were “out of luck” with our ability to make comments. This confused and infringed on our rights to have the proper Environmental Assessment process. We were relayed this message by our local leaders, who pointed to their conversations with the MTA.

We respect the NEPA process because we know it seeks to protect our families affected by the CBDTP. We as a community are entitled to an Economic Impact Statement (EIS) as Battery Park City was completely omitted from the Environmental Assessment. We have submitted further markup of the FONSI to support our argument for an EIS.

A coalition of residents of families who live in Battery Park City (Families for Battery Park City) do not agree that this proposal has taken the proper environmental assessment, or has taken into consideration our community economic needs, and have not done and will require further due diligence, as the VPPP plan causes environmental and economic injustices that impact to our neighborhood. The largest issue with the EA is that Battery Park City was omitted, in entirety, in the analysis and we are seeking for a full Environmental Impact Statement that considers and addresses the issues we have with the EA.

The Environmental Impact Statement is important to answer the questions that we, as concerned families and residents, have concerning our quality of life and safety in Battery Park City (BPC). In reviewing the proposed central business district (CBD) and the impact of exempted thoroughfares, expected to significantly increase traffic congestion around the perimeter of the CBD, we request that an environmental impact study be conducted prior to any further steps towards implementing the proposed congestion pricing. We are a community alongside West St (West Side Highway/9A), which has schools, parks, playgrounds, residences, offices, stores, and a bike path directly adjacent to the exempted thoroughfare. We are a community of families with nearly a quarter of our population under 17 as well as elderly residents. We are a community that endured the environmental impacts of 9/11. There is no doubt that there will be increased congestion that will result in increased pollution.

We are also including letters from schools directly located along West Street and adjacent to the access to Hugh L. Carey and the Battery Park Underpass; who have their own concerns.

It is concerning to us that there were issues flagged for similar communities such as in the Bronx who are in close proximity to thoroughfares impacted by the CBDTP. As a remedy, they are offered millions of dollars in studies and plans in terms of Asthma related programs and HVACs for schools - but our neighborhood, of which the population is 25% children, has not been reviewed whatsoever.

In reviewing the Final Environmental Assessment dated April 2023, we have a number of points, concerns, and questions that we have noted within the document using the comment function of Adobe Acrobat. In general, the themes run along the following:

- Battery Park City was omitted from the analysis or any studies conducted. As West St is an exempted thoroughfare, it is likely that FDR and West St will experience an increase in traffic congestion as drivers look to avoid the CBD, whether from NJ or Queens/Brooklyn. Along West St, there are residential buildings, offices, playgrounds, schools, parks, and a bike path that is used by many. Increased congestion would substantially impair the liveability of the Battery Park City area. It is astounding that in a climate sensitive era, that the proposed models would significantly increase regional VMT.
- The analysis and the assessments of the neighborhoods are not equitable with the approach that was taken with respect to other NY and NJ counties. Specifically, why isn't New York County treated as one instead of analyzing by neighborhood? For example, the impact of additional congestion on West St will impact many neighborhoods, including Battery Park City.
- The environmental assessment is insufficient for many reasons. First, the analysis did not address the impact of increased congestion on the exempted thoroughfares on neighborhoods like Battery Park City. Second, the data utilized for the analysis is incomplete. The data does not take into account the physical, economic and demographic changes to New York City post-COVID. Which includes outdated income analysis, outdated cost-of-living analysis and outdated demographics. Public transportation use is also invalid because the model uses pre-covid statistics. Especially when the report itself calls out an actual decrease in autos. Yet doesn't take into consideration the loss of square footage to traffic due to the implementation of sheds and other construction post-Covid.

The result of the proposed CBD is to shift traffic from within the CBD to outside of the CBD at the expense of the adjacent communities. This contradicts the intention behind the congestion pricing and the CBD.

If ultimately the congestion pricing is approved, this coalition of BPC residents are asking for an upfront exemption (not tax credit) for residents in the CBD. An exemption not in the form of a tax refund, but a legitimate return of monies to residents within the CBD. This mirrors the London congestion pricing scheme.

However, the most important item to address is that the Federal Highway Administration, Triborough Bridge and Tunnel Authority, NYS Department of Transportation, and the NYC Department of Transportation should be required to further re-evaluate, and conduct and complete the required process to conduct an Environmental Impact Statement. It is clear that further due diligence to study the environmental and economic impact to Battery Park City as the plan is set to increase vehicular traffic in our community. An area that is uniquely and geographically bound by the proposed exempted thoroughfares and uniquely affected in a way that no other neighborhood is in the proposed Central Business District. The increase in traffic poses serious public safety and health concerns, particularly for the children, families, 9/11 survivors who are battling 9/11 related diseases and senior citizens that call BPC home.

This plan also unduly puts a financial burden on our families when the MTA plan admits that the increase in traffic will cause health and safety issues to arise. The cost of treating our children's medical bills if they are faced with daily vehicular exhaust at their local zoned schools might be a huge financial burden in health and medical bills on our community. The fact that we don't know this answer, and the answer wasn't presented is also why we insist upon an Environmental Impact Statement for Battery Park City.

The reasons for the ask results from a survey we conducted of almost 200 families in Battery Park City, who also provided testimony we are submitting in a separate Excel spreadsheet. From the responses our families flagged the following:

- The proposed congestion pricing will burden those communities adjacent to the exempted thoroughfares.
- The increased congestion along these exempted thoroughfares will result in poor air quality for residents as well as increased pedestrian injury and death, by crossing exempted thoroughfares to enter and exit BPC confines. As the MTA also flags, for asthma risk, for similarly burdened congestion points in New York City. However, BPC is not evaluated.
- BPC has limited access points to enter and exit the neighborhood. It requires all residents to cross by foot or vehicle, the West Side Highway. Further, there is no subway access in BPC and limited bus options. We are being held hostage in our region of the CBD zone in a way that no other neighborhood in Manhattan is.
- Congestion pricing will impact local businesses in the congestion zone due to a loss of customer traffic and an increased cost of delivered goods and services. This will create financial hardship for local businesses.
- BPC residents already face high living costs and contribute additional income to NY in the form of the PILOT (Payment in lieu of taxes) program. This is in addition to the NYC personal income. Additional costs make it harder for low to middle income families, several who are minority identifying - to make a survivable wage in this scenario.
- Historically the BPC PILOT revenue has often closed MTA budget gaps. Charging additional tolls would put further financial burden on a neighborhood that does not even have a single subway station within the 92 acres that comprise the neighborhood and whose only roadways in and out are via the West Side Highway crossing
- Consideration of Minority groups who live in this area who are concerned about safety on public transport in our area. Our community is one who have also been victims of hate crimes on public transport. We would like a further sociological study and economic injustice evaluation in the Environmental Impact Statement we are requesting as pertains to Battery Park City.
- Consideration of financial hardship as is stipulated and self-identified by residents currently residing in Battery Park City. Which would lead to residential displacement.
- BPC has a high population of families with school children. Some of these residents rely on private transportation to and from school. There are various reasons that parents may need to transport children in this manner, including lack of proximity to public transportation and disabilities that may prevent a child from taking public transportation. We need the same accommodations as other areas who are also burdened with the proposed congestion traffic. In our cohort of residents, it also includes the leaders and PTA's of several schools located alongside the exempted thoroughfares (Please see the attached PS 89, TLE, Leman and NYC Stem letters)
- Also it is quite confusing that the modeling shows that despite the efforts of implementing a Congestion toll, that it will actually lead to increased congestion. We are uncertain as to why a program that seeks to reduce congestion will actually increase it. This is obviously concerning as there is no Environmental Impact Study done for Battery Park City in the EA.
- The way the EA reads, Battery Park City bears the brunt of the congestion and it seems we are paying for it with our health and our wallets.

Thank you for your consideration. We look forward to your review and fully implore that the next step of an Environmental Impact Study is completed on behalf of Battery Park City residents.

All referenced documents are being attached and available at this link:

[https://urldefense.com/v3/\\_\\_https://www.dropbox.com/scl/fo/offakvbqsxpo3u0kgo3e8/h?dl=0&rlkey=46cbesf5wf1dqaktx6zwzdgml\\_\\_;!!ApXA7kLm!xebjl\\_T4W6ouW6\\_IZXUC4VOeH1Hx3COBhIPF95b8lx42dail7nblkbXs1\\_uJsMkFs9pAou\\_bOnTleM2HEk9txRU\\$](https://urldefense.com/v3/__https://www.dropbox.com/scl/fo/offakvbqsxpo3u0kgo3e8/h?dl=0&rlkey=46cbesf5wf1dqaktx6zwzdgml__;!!ApXA7kLm!xebjl_T4W6ouW6_IZXUC4VOeH1Hx3COBhIPF95b8lx42dail7nblkbXs1_uJsMkFs9pAou_bOnTleM2HEk9txRU$)

The Full FONSI Document with our Comments:

[https://urldefense.com/v3/\\_\\_https://www.dropbox.com/scl/fo/e6th9phx21gcfaadeu2iq/h?dl=0&rlkey=878yrabc8r9ejgk22bze096d6\\_\\_!!ApXA7kLm!xebjl\\_T4W6ouW6\\_IZXUC4VOeH1Hx3COBhIPF95b8lx42daiL7nblkbXs1\\_uJsMkFs9pAou\\_bOnTleM2H191sJv4\\$](https://urldefense.com/v3/__https://www.dropbox.com/scl/fo/e6th9phx21gcfaadeu2iq/h?dl=0&rlkey=878yrabc8r9ejgk22bze096d6__!!ApXA7kLm!xebjl_T4W6ouW6_IZXUC4VOeH1Hx3COBhIPF95b8lx42daiL7nblkbXs1_uJsMkFs9pAou_bOnTleM2H191sJv4$)

Signed,  
Elizabeth Chan and Harp Mann  
on behalf of  
Families for Battery Park City

**Kaplan, Steven**

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**From:** Choubah, Nick (DOT) <Nick.Choubah@dot.ny.gov>  
**To:** families@batteryparkcity.com  
**Sent:** Monday, June 12, 2023 5:16 PM  
**Subject:** Read: New York City Central Business District Tolling Program – Environmental Assessment

Your message

To: Choubah, Nick (DOT)  
Subject: RE: New York City Central Business District Tolling Program – Environmental Assessment  
Sent: Monday, June 12, 2023 5:05:07 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, June 12, 2023 5:14:51 PM (UTC-05:00) Eastern Time (US & Canada).

**Kaplan, Steven**

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**From:** Carry, William <WCarry@dot.nyc.gov>  
**To:** families@batteryparkcity.com  
**Sent:** Thursday, June 22, 2023 5:10 PM  
**Subject:** Read: [EXTERNAL] RE: New York City Central Business District Tolling Program – Environmental Assessment

Your message

To: Carry, William  
Subject: [EXTERNAL] RE: New York City Central Business District Tolling Program – Environmental Assessment  
Sent: Monday, June 12, 2023 5:05:07 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, June 22, 2023 5:10:09 PM (UTC-05:00) Eastern Time (US & Canada).



**Kaplan, Steven**

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**From:** Garcia, Lisa <Garcia.Lisa@epa.gov>  
**To:** families@batteryparkcity.com  
**Sent:** Friday, July 14, 2023 1:35 AM  
**Subject:** Not read: RE: New York City Central Business District Tolling Program – Environmental Assessment

Your message

To: Garcia, Lisa  
Subject: RE: New York City Central Business District Tolling Program – Environmental Assessment  
Sent: Monday, June 12, 2023 5:05:07 PM (UTC-05:00) Eastern Time (US & Canada)

was deleted without being read on Friday, July 14, 2023 1:35:11 AM (UTC-05:00) Eastern Time (US & Canada).